

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OPTUM, INC. and )  
OPTUM SERVICES, INC., )  
Plaintiffs, )  
v. )  
DAVID WILLIAM SMITH, )  
Defendant. )  
)

**MOTION TO INTERVENE AND  
TO UNSEAL PORTION OF TRANSCRIPT  
OF JANUARY 31, 2019 HEARING  
(Hearing Requested)**

Proposed Intervenors Dow Jones & Company, Inc., publisher of *The Wall Street Journal*, and Boston Globe Media Partners, LLC, publisher of *STAT* and *The Boston Globe*, (“Intervenors”), hereby move to intervene pursuant to Fed. R. Civ. P. 24(b) and to unseal the sealed portion of the transcript of the Court’s January 31, 2019 hearing. In support of this motion, Intervenors submit the accompanying memorandum of law.

The subject matter of this action, and the information provided at the hearing, are of significant public interest. Accordingly, Intervenors respectfully request that a hearing be scheduled on this motion at the Court’s earliest convenience. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006) (stating that district court “must make its findings quickly” in proceedings to unseal court records).

WHEREFORE, Intervenors respectfully request that their Motion to Intervene and Unseal be granted.

Respectfully Submitted,

DOW JONES & COMPANY, INC. and  
BOSTON GLOBE MEDIA PARTNERS, LLC,

By their Attorneys,

/s/ Jeffrey J. Pyle

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I hereby certify that on February 8, 2019, I conferred with counsel for the parties by telephone in a good faith attempt to narrow or resolve the issues raised by this motion.

/s/ Jeffrey J. Pyle

Jeffrey J. Pyle

**CERTIFICATE OF SERVICE**

I, Jeffrey J. Pyle, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on February 8, 2019.

/s/ Jeffrey J. Pyle

Jeffrey J. Pyle